

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 173 of 1992

with

Civil Application No. 871 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO
1 - 5 No

CHHANABHAI B SOLANKI

Versus

DAHAYABHAI SOMABHAI KARTA OF H.U.F OF SOMABHAI B DALWADI

Appearance:

MR SR SHAH for appellant

MR AJ PATEL for Respondent

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 22/07/1999

ORAL JUDGEMENT

1. In this Appeal from Order, appellant has brought in challenge the order dated 20.2.1992 recorded below Ex.5 in Special Civil Suit No. 48 of 1991, by the learned Civil Judge (S.D.), Nadiad, whereby he granted the application submitted by the respondent by making the injunction absolute till final disposal of the suit.

2. The suit in question was filed by the respondent against the appellant seeking an injunction against the appellant with respect to agricultural land bearing Block No. 168 of Survey No. 184 and 185 of village Runaj, Taluka Petlad, District Kheda, claiming to be in his exclusive possession which shall not be disturbed by the appellant.

3. The suit was contested by the appellant herein by filing written statement.

4. The learned trial Judge, after considering the submissions advanced by the learned advocates for the parties, granted the order as aforesaid which is impugned before this court at the instance of the appellant.

5. At the time of admission of this appeal, this court passed order in Civil Application No. 871 of 1992, directing both the parties to maintain status quo.

6. This matter was admitted in 1992 and since then interim relief is operating against both the parties.

7. Today when the matter was called out, learned advocates for both the parties made a consensual statement that this Appeal from Order may be disposed of by issuing direction to the lower court for expeditious hearing of the suit and till disposal of the suit both the parties may be directed to maintain status.

8. Upon consensual statement made by learned advocates for both the parties, this Appeal from Order is disposed of with no order as to costs. The learned trial Judge before whom the Special Civil Suit No. 48 of 1991 is pending for final disposal is directed to give priority to the hearing of the said suit and shall try to dispose of the suit as early as possible and preferably within a period of six months from the receipt of the writ of this Court. Till the final disposal of the suit, both the parties are directed to maintain status quo with the respect to the suit land.

9. Since both the parties are directed to maintain status quo, rule issued in Civil Application No. 871 of 1992 is made absolute with no order as to costs.

(karan)